

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

As a preliminary matter, Applicant notes the Office Action's approval of the drawings filed on June 9, 2004 and consideration of the Information Disclosure Statements filed on August 3, 2004 and March 16, 2004.

Claims 4 and 9 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0201872 to Horaguchi et al. (hereinafter "Horaguchi"). Claims 3, 4, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Horaguchi in view of U.S. Patent No. 7,268,914 to Noguchi et al. (hereinafter "Noguchi"). Applicant gratefully appreciates the Office Action's indication that claims 5, 10 and 11 contain allowable subject matter.

By this amendment, claims 2-5 and 7-10 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Therefore, any outstanding rejections with respect to these claims have been rendered moot. Claims 1 and 6 have been amended to incorporate the allowable subject matter of canceled claims 5 and 10, respectively, as discussed in greater detail below. Claim 11 has been amended to update its dependence.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1, 6 and 11 are now pending in this application for consideration.

### **THE CLAIMS DISTINGUISH OVER THE CITED REFERENCES**

Claims 1, 2, 6 and 7 stand rejected as being anticipated by Horaguchi and claims 3, 4, 8 and 9 stand rejected as being unpatentable over Horaguchi in view of Noguchi. Applicant gratefully appreciates the Office Action's indication that claims 5, 10 and 11 contain

allowable subject matter. Although Applicant respectfully submits that the invention which is the subject matter of the rejected claims, may be patentable over the cited references, Applicant at this time intends to pursue patent protection for the allowable subject matter recited in the claims identified above.

As such, claims 2-5 and 7-10 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Independent claim 1 has been amended to incorporate the allowable subject matter of canceled claim 5 and independent claim 6 has been amended to incorporate the allowable subject matter of canceled claim 10. The cancellation of claims 2-5 and 7-10 and the rewriting of claims 1 and 6 are not meant to concede to the appropriateness of any of the rejections, but merely to expedite prosecution of the patent application. Therefore, Applicant respectfully submits that independent claims 1 and 6 are allowable. Since independent claims 1 and 6 are allowable, claim(s) dependent therefrom, namely claim 11, is also allowable by virtue of its direct dependence from allowable independent claim 6 and for containing other patentable features.

Further remarks regarding the asserted relationship between any of the claims and the cited references are not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

### **CONCLUSION**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect

information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6162  
Facsimile: (202) 672-5399

By Pavan K. Agarwal *By 102 43 438*  
/s/ Pavan K. Agarwal  
Attorney for Applicant  
Registration No. 40,888